

Article - General Provisions

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§8–108.

(a) A civil action filed under this title may not be filed after the later of:

(1) 6 years after the date on which the underlying violation of § 8–102 of this title occurred; or

(2) 3 years after the date when facts material to the right of action are known or reasonably should have been known by the person initiating the action or the official of the governmental entity charged with responsibility for acting under the circumstances, but in no event more than 10 years after the date on which the underlying violation of § 8–102 of this title occurred.

(b) If the governmental entity elects to intervene and proceed with an action brought under this title, the governmental entity, through the Office of the Attorney General or the attorney for the local governmental entity, may:

(1) file its own complaint; or

(2) amend the complaint of the person that brought the action to clarify, add detail to the complaint, or add additional claims to the complaint.

(c) To the extent that the claim of the governmental entity arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth by a person, a pleading by the governmental entity relates back to the filing date of the complaint of the person that originally brought the action.

(d) In an action filed under this title, all essential elements of the cause of action, including damages, shall be proven by a preponderance of the evidence.

(e) Notwithstanding any other provision of law or rule of procedure or evidence in the Maryland Rules, a final judgment rendered in favor of the governmental entity in any criminal proceeding charging fraud or false statements, whether on a verdict after trial or on a plea of guilty or nolo contendere, shall stop the defendant from denying the essential elements of the offense in any action filed under this title that involves the same act, transaction, or occurrence as in the criminal proceeding.

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